

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

OUR ANDROS FISHERIES LTD.,

Plaintiff,

v.

Case No: 6:23-cv-759-PGB-LHP

ALL ISLAND MARINE SERVICES,
LLC and FREDERICK GATCHELL,

Defendants

ORDER

This cause came on for consideration without oral argument on the following motion filed herein:

**MOTION: PLAINTIFF'S MOTION FOR EX PARTE DEFAULT
FINAL JUDGMENT (Doc. No. 15)**

FILED: July 5, 2023

THEREON it is ORDERED that the motion is DENIED without prejudice.

Plaintiff Our Andros Fisheries Ltd. initiated this action on April 26, 2023. Doc. No. 1. Defendants All Island Marine Services, LLC and Frederick Gatchell have failed to appear, and Plaintiff has obtained a Clerk's default against them.

Doc. No. 13. *See also* Doc. Nos. 6–7, 11. Now, Plaintiff has filed an *ex parte* motion seeking default judgment against Defendants, which motion has been referred to the undersigned. Doc. No. 15. Upon review, the docket does not reflect that Plaintiff obtained permission to file the motion *ex parte*. And Plaintiff provides no explanation in the motion for why it was filed *ex parte*, nor does Plaintiff provide any legal authority demonstrating that filing the motion *ex parte* was appropriate. *Cf. Visalus, Inc. v. Knox*, No. 3:13-cv-107-J-39MCR, 2014 WL 2019299, at *3 (M.D. Fla. May 15, 2014) (declining to consider motion for default judgment on *ex parte* basis); *Harris Rsch., Inc. v. Lightning Dry Sys., Inc.*, No. 8:11-cv-422-T-33MAP, 2011 WL 13301693, at *2 (M.D. Fla. Apr. 14, 2011) (same).

Accordingly, the above-styled motion is **DENIED without prejudice**. Plaintiff shall file a renewed motion on or before **October 25, 2023**. If Plaintiff files the renewed motion *ex parte*, the renewed motion must contain an explanation as to why the motion is filed *ex parte* and legal authority establishing that such procedure is appropriate. Alternatively, Plaintiff shall omit the *ex parte* designation from the motion, and the Court will require that Plaintiff serve the renewed motion on Defendants.¹

¹ While the moving party is not required to provide notice to a party who has not appeared, a district court has discretion to order such notice. *See, e.g., Vertical Concrete Polishing, Inc. v. Xiaoyu Abrasive Inc.*, No. 6:17-cv-31-Orl-41KRS, 2017 WL 9990576, at *1 n.1

DONE and **ORDERED** in Orlando, Florida on October 11, 2023.



LESLIE HOFFMAN PRICE
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Parties

(M.D. Fla. Nov. 30, 2017). *See also Visalus, Inc.*, 2014 WL 2019299, at *3 (ordering service of renewed motion for default judgment on the defaulted defendant “in order to reduce the likelihood of a later attack on the judgment pursuant to Rules 55(c) and 60(b) of the Federal Rules of Civil Procedure”).